

“RETAIN FOR SUBSEQUENT COUNCIL PUBLIC HEARING”



**CITY OF EL PASO, TEXAS
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT**

M E M O R A N D U M

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
Patricia D. Adauto, Deputy City Manager
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor

FROM: Fred Lopez, Urban Planner / Zoning Coordinator

SUBJECT: Council Agenda Item (Ordinance)
Introduction: November 09, 2004
Public Hearing: November 30, 2004

DATE: November 01, 2004

The following item has been scheduled for City Council action as noted above. Relevant information is attached. If you have any questions, please contact me at 541-4925.

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A, SECTION 39, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS; AND PARCEL 2: A PORTION OF TRACT 1A, SECTION 39, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE. APPLICANT: ABDOLKARIM SAADATKHAH. ZON04-00062 (DISTRICT 3)

c: George Sarmiento, Planning Director; Rudy Valdez, Chief Urban Planner; Esther Guerrero, Planning Tech.;
Lisa A. Elizondo, City Attorney; Theresa Cullen-Garney, Deputy City Atty.; Matt Watson, Assistant City Atty.;
City Clerk's Office



PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: November 01, 2004

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
Patricia D. Adauto, Deputy City Manager
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor

FROM: Fred Lopez, Urban Planner / Zoning Coordinator

SUBJECT: ZON04-00062

The City Plan Commission (CPC), on June 3, 2004, voted **6 - 0** to recommend **APPROVAL** of rezoning the subject property from R-3 (Residential) to C-4 (Commercial) with conditions for Parcel 1 and from R-3 (Residential) to C-2 (Commercial) with conditions for Parcel 2, concurring with Staff's recommendation.

CPC Recommended Conditions:

- For Parcel 1: Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved per the El Paso Municipal Code.
- For Parcel 2: Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved by the City Plan Commission.
- For Parcel 2: A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **OPPOSITION** to this request.

Attachment: Location Map

STAFF REPORT

Rezoning Case: ZON04-00062

Property Owner(s): Abdolkarim Saadatkah

Applicant(s): Abdolkarim Saadatkah

Representative(s): Conde, Inc.

Legal Description: A portion of Tract 1A, Block 80, Section 39, Township 2, Texas and Pacific Railway Company Surveys

Location: Montana Avenue East of Limerick Road

Representative District: # 3

Area: Parcel 1: 4.48 Acres
Parcel 2: 3.62 Acres

Present Zoning: Parcel 1: R-3 (Residential)
Parcel 2: R-3 (Residential)

Present Use: Vacant

Proposed Zoning: Parcel 1: C-4 (Commercial)
Parcel 2: C-2 (Commercial)

Proposed Use: Parcel 1: service of light and heavy trucks and automobiles
Parcel 2: self-storage warehouse

Surrounding Land Uses:

North -	C-4 (Commercial) / vacant
South -	R-3 (Residential) / single-family residential development
East -	C-1 (Commercial) / commercial development
West-	C-3/sc (Commercial/special contract) / commercial development

Year 2025 Designation: **Mixed-Use** (East Planning Area)

**CITY PLAN COMMISSION HEARING, June 3, 2004,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Case: ZON04-00062

General Information:

The applicant is requesting a rezoning from R-3 (Residential) to C-4 (Commercial) for Parcel 1 in order to permit repair and service of light and heavy trucks and automobiles. The applicant is requesting a rezoning from R-3 (Residential) to C-2 (Commercial) for Parcel 2 in order to permit self-storage warehousing. Parcel 1 is 4.48 acres in size and Parcel 2 is 3.62 acres in size. The proposed site plan shows two (2) buildings and the self-storage warehouse to be located on the site. Access is proposed via Montana Avenue. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Planning Department has received no calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of rezoning from R-3 (Residential) to C-4 (Commercial) for Parcel 1 and **APPROVAL** of rezoning from R-3 (Residential) to C-2 (Commercial) for Parcel 2, with the following conditions:

- For Parcel 1: Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved per the El Paso Municipal Code.
- For Parcel 2: Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved by the City Plan Commission.
- For Parcel 2: A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the **East** Planning Area designates this property for **Mixed-Use** land uses.

C-4/c (Commercial/conditions) zoning permits repair and service of light and heavy trucks and automobiles and **is compatible** with adjacent development.

C-2/c (Commercial/conditions) zoning permits self-storage warehousing and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-4/c (Commercial/conditions) zoning for Parcel 1 and the C-2/c (Commercial/conditions) zoning for Parcel 2 protect the best interest, health, safety and welfare of the public in general?
- B. Will repair and service of light and heavy trucks and automobiles for Parcel 1 and the self-storage warehousing for Parcel 2 be compatible with adjacent land uses?

Information To The Applicant:

Building Permits and Inspections Department Notes:

Screening wall will be required along southern property line.

Engineering Department, Development Division Notes:

See Enclosure 1.

Engineering Department, Traffic Division Notes:

Sidewalks shall be required on Montana Avenue.

Fire Department Notes:

Zoning change does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

No comments.

Planning, Research & Development Department Notes:

- A. C-4/c (Commercial/conditions) zoning permits repair and service of light and heavy trucks and automobiles and is compatible with adjacent development.
- B. C-2/c (Commercial/conditions) zoning permits self-storage warehousing and is compatible with adjacent development.

ATTACHMENT: Site Plan; Enclosure 1.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4024.

ZON04-00062

M1

C4

MONTANA

C1
sp

C1

C3
C

C3
SC

C1
SC

A2
SC

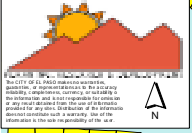
R3

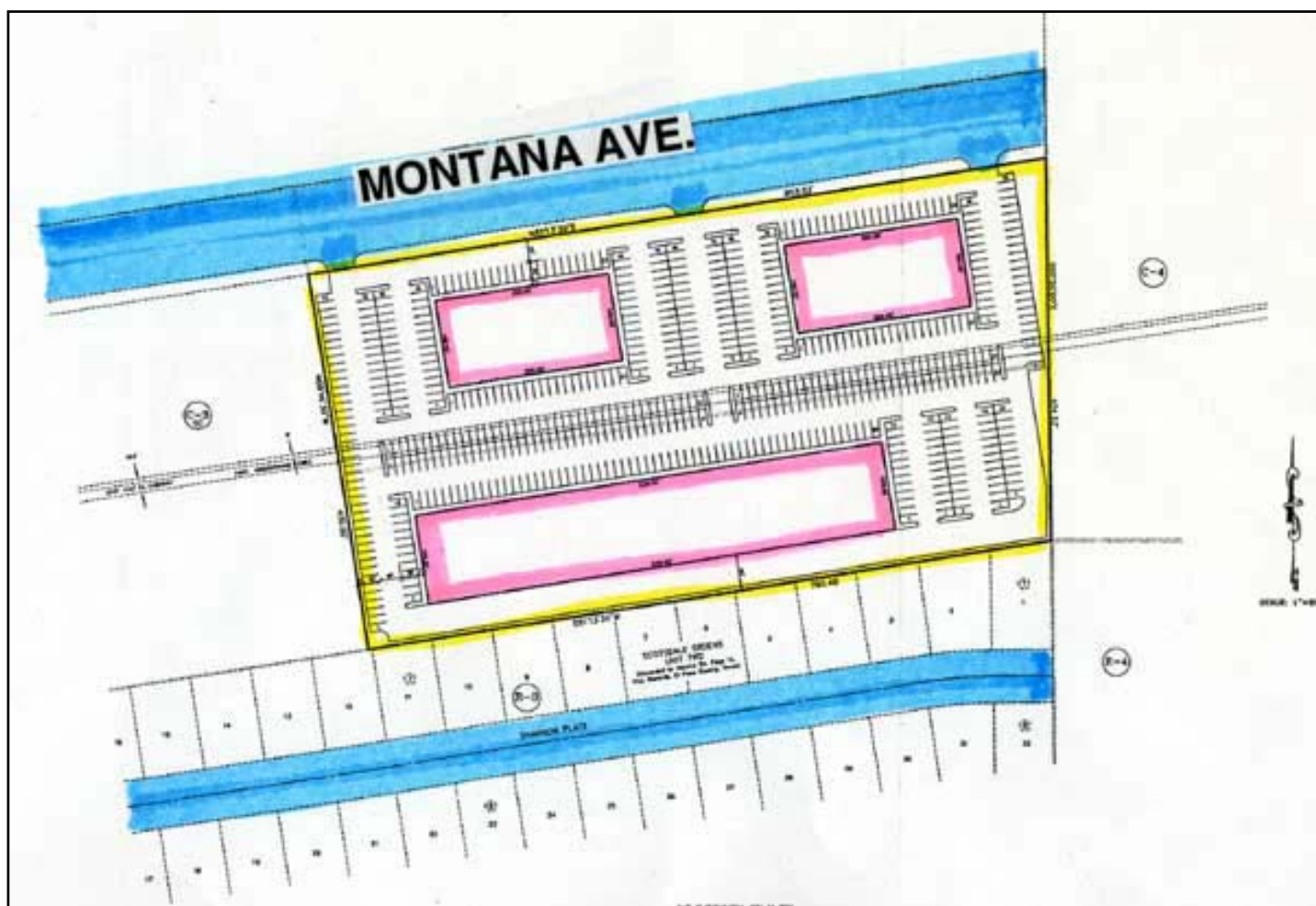
R4

YARBROUGH

FIRESTONE

LIMERICK





ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A, SECTION 39, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS; AND PARCEL 2: A PORTION OF TRACT 1A, SECTION 39, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Parcel 1: *A portion of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-3 (Residential) to C-4 (Commercial)**; and Parcel 2: *A portion of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-3 (Residential) to C-2 (Commercial)**; within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That Parcels 1 and 2 be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to C-4 (Commercial) for Parcel 1, and from R-3 (Residential) to C-2 (Commercial) for Parcel 2, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

Parcel 1:

Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved per the El Paso Municipal Code.

Parcel 2:

- 1. Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved per the El Paso Municipal Code.*
- 2. A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.*

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this _____ day of _____, 2004.

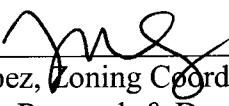
THE CITY OF EL PASO

Joe Wardy, Mayor

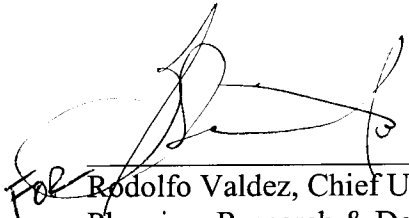
ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO CONTENT:

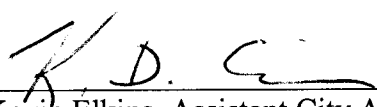


Fred Lopez, Zoning Coordinator
Planning, Research & Development



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:



Kevin Elkins, Assistant City Attorney

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2004,
by JOE WARDY as MAYOR of THE CITY OF EL PASO.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

Being portion of Tract 1A, Section 39,
Block 80, Township 2, T. & P. R.R. Surveys
City of El Paso, El Paso County, Texas
Prepared for: John Karam
October 13, 2004
(PARCEL-1)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found City Monument Disk set at the centerline intersection of Cardigan Dr. and Firestone St. referenced in Pebble Hills Subdivision Unit One recorded in volume 36, page 6, plat records of El Paso County, Texas, Thence along the centerline of Firestone St. North $00^{\circ}31'07''$ West (rec. North $00^{\circ}30'00''$ West) a distance of 881.38 feet (rec. 881.17 feet) to a found City Monument Disk set at the intersection of said centerline and the South Right of Way line of Montana Ave. (Highway 62), Thence along said Right of Way line South $81^{\circ}13'14''$ West (rec. South $81^{\circ}13'30''$ West) a distance of 167.94 feet to a found $\frac{1}{2}$ " rebar set at the intersection of said Right of Way line and the common boundary line of sections 39 and 38 as referenced in Pebble Hills Subdivision Unit Seven recorded in volume 45, page 21, plat records of El Paso County, Texas, to be the "TRUE POINT OF BEGINNING".

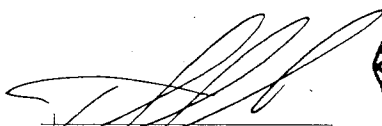
Thence with said boundary line of Sections 38 and 39 South $00^{\circ}31'07''$ East (rec. South $00^{\circ}30'00''$ East) a distance of 232.41 feet to a point;

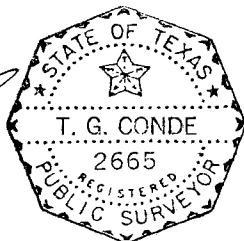
Thence leaving said boundary line and parallel with Montana Ave. (Highway 62) South $81^{\circ}13'14''$ West (rec. South $81^{\circ}13'30''$ West) a distance of 817.33 feet to a point at the East boundary line of Tract 1-A-3 recorded in book 3703, page 1550, deed records of El Paso County, Texas;

Thence with said boundary line North $08^{\circ}47'47''$ West (rec. North $08^{\circ}46'30''$ West) a distance of 230.00 feet to a found $\frac{1}{2}$ " rebar with cap "2027" set on the Northeast corner of adjacent Tract 1-A-3, also being the South Right of Way line of Montana Ave. (Highway 62);

Thence leaving said boundary line and along said Right of Way line North $81^{\circ}13'14''$ East (rec. North $81^{\circ}13'30''$ East) a distance of 850.80 feet to the "TRUE POINT OF BEGINNING" and containing in all 4.404 acres of land more or less.

Bearing basis in true north for a Transverse Mercator Projection based at the center of this site.


Tony G. Conde
R.P.L.S. No. 2665



job #304-98 T.C.
LGL-304-98.LGL

Being portion of Tract 1A, Section 39,
Block 80, Township 2, T. & P. R.R. Surveys
City of El Paso, El Paso County, Texas
Prepared for: John Karam
June 21, 2004
(PARCEL-2)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found City Monument Disk set at the centerline intersection of Cardigan Dr. and Firestone St. referenced in Pebble Hills Subdivision Unit One recorded in volume 36, page 6, plat records of El Paso County, Texas, Thence along the centerline of Firestone St. North $00^{\circ}31'07''$ West (rec. North $00^{\circ}30'00''$ West) a distance of 881.38 feet (rec. 881.17 feet) to a found City Monument Disk set at the intersection of said centerline and the South Right of Way line of Montana Ave. (Highway 62), Thence along said Right of Way line South $81^{\circ}13'14''$ West (rec. South $81^{\circ}13'30''$ West) a distance of 167.94 feet to a found $\frac{1}{2}$ " rebar set at the intersection of said Right of Way line and the common boundary line of sections 39 and 38 as referenced in Pebble Hills Subdivision Unit Seven recorded in volume 45, page 21, plat records of El Paso County, Texas, Thence with said boundary line of Sections 38 and 39 South $00^{\circ}31'07''$ East (rec. South $00^{\circ}30'00''$ East) a distance of 232.41 feet to the "TRUE POINT OF BEGINNING".

Thence continuing said boundary line of Sections 38 and 39 South $00^{\circ}31'07''$ East (rec. South $00^{\circ}30'00''$ East) a distance of 206.08 feet to a point on the northerly boundary line of Scotsdale Gardens Unit Two recorded in volume 54, page 11, plat records of El Paso County, Texas, from which found centerline monuments at Shannon Pl. bear the following two calls;

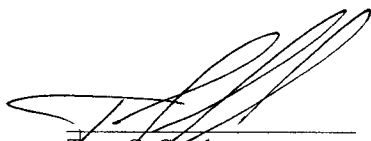
1. Thence South $41^{\circ}55'32''$ West a distance of 212.17 feet to a found City Monument Disk at the Point of Curve;
2. Thence South $81^{\circ}26'29''$ West (rec. South $81^{\circ}13'30''$ West) a distance of 1024.73 feet (rec. 1026.77 feet) to a found City Monument Disk at the center line intersection of Shannon Pl. and Darin Rd.

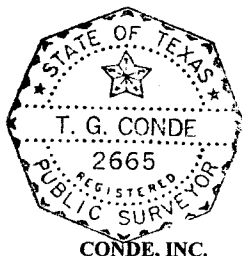
Thence along said boundary line and parallel with the centerline monuments at Shannon Pl. South $81^{\circ}26'29''$ West (rec. South $81^{\circ}13'30''$ West) a distance of 787.67 feet to a point at the East boundary line of Tract 1-A-3 recorded in book 3703, page 1550, deed records of El Paso County, Texas;

Thence with said boundary line North $08^{\circ}47'47''$ West (rec. North $08^{\circ}46'30''$ West) a distance of 200.53 feet to a point;

Thence leaving said boundary line and parallel with and 230.00 feet away from the South Right of Way line Montana Ave. (Highway 62) North $81^{\circ}13'14''$ East (rec. North $81^{\circ}13'30''$ East) a distance of 817.33 feet to the "TRUE POINT OF BEGINNING" and containing in all 3.730 acres of land more or less.

Bearing basis in true north for a Transverse Mercator Projection based at the center of this site.


Tony G. Conde
R.P.L.S. No. 2665



job #000-00-0 R.C.
LGL-06/20245.LGL

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

2004-00062